

Introduced by Senator Karnette

February 20, 2004

An act to amend Sections 12022.3 and 12022.8 of the Penal Code, relating to sentencing enhancements.

LEGISLATIVE COUNSEL'S DIGEST

SB 1669, as introduced, Karnette. Sentencing enhancements.

Existing law provides for sentencing enhancements for a violation or attempted violation of certain sex offenses involving a firearm or deadly weapon, as specified.

This bill would include within the list of applicable offenses subject to the enhancement, the offense of assault with intent to commit certain specified sex offenses.

By imposing additional burdens on local prosecutors, this bill would impose a state-mandated local program.

Existing law provides a sentencing enhancement for any person who inflicts great bodily injury, as defined, on any victim in a violation or attempted violation of certain sex offenses.

This bill would include the offense of assault with intent to commit certain specified sex offenses within the list of applicable violations subject to the enhancement.

By imposing additional burdens on local prosecutors, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12022.3 of the Penal Code is amended
2 to read:

3 12022.3. For each *violation of Section 220, or for each*
4 violation or attempted violation of Section 261, 262, 264.1, 286,
5 288, 288a, or 289, and in addition to the sentence provided, any
6 person shall receive the following:

7 (a) A 3-, 4-, or 10-year enhancement if the person uses a
8 firearm or a deadly weapon in the commission of the violation.

9 (b) A one-, two-, or five-year enhancement if the person is
10 armed with a firearm or a deadly weapon. The court shall order the
11 middle term unless there are circumstances in aggravation or
12 mitigation. The court shall state the reasons for its enhancement
13 choice on the record at the time of the sentence.

14 SEC. 2. Section 12022.8 of the Penal Code is amended to
15 read:

16 12022.8. Any person who inflicts great bodily injury, as
17 defined in Section 12022.7, on any victim in a violation of *Section*
18 *220, or a violation* or attempted violation of paragraph (2), (3), or
19 (6) of subdivision (a) of Section 261, paragraph (1) or (4) of
20 subdivision (a) of Section 262, Section 264.1, subdivision (b) of
21 Section 288, subdivision (a) of Section 289, or sodomy or oral
22 copulation by force, violence, duress, menace, or fear of
23 immediate and unlawful bodily injury on the victim or another
24 person as provided in Section 286 or 288a shall receive a five-year
25 enhancement for each such violation in addition to the sentence
26 provided for the felony conviction.

27 SEC. 3. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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